IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.995 OF 1999

S.M.Dyechem Ltd. ...Appellant

Vs.

Murlidhar Chemical Industries ...Respondent

Mr. R.A.Shaikh for the Appellant

CORAM: A.S.OKA, J.
DATED: APRIL 26,2005.

P.C.:

1. Heard Advocate appearing for the Appellant. The challenge in this Appeal from Order is to the order dated 14th June 1999 passed by the learned Trial Judge on the pursis at Exh.17. A prayer in the said pursis was to stay the proceedings of the pending suit filed by the Respondent in view of Section 22 of the Sick Industrial Company (Special Provisions) Act, 1985. By the impugned order prayer for stay has been rejected.

2. Appeal from Order is not maintainable against order dated 14th June 1999 either under Section 104 or under Order XLIII of Rule 11 of Code of Civil Procedure, 1908. Hence Appeal is dismissed as not maintainable.

3. Notwithstanding the dismissal of the Appeal, it will be open for the Appellant to file appropriate proceeding for challenging the impugned Judgment and Order.

4. Parties to act upon authenticated copy of this order.

Judge.